



## **SEPTEMBER 25 - 29, 2006 ST. LOUIS, MISSOURI**

**James B. Loken, Chief Judge - Minneapolis, Minnesota**

### **Circuit Judges in Active Service**

**Roger L. Wollman - Sioux Falls, SD  
Morris S. Arnold - Little Rock, AR  
Diana E. Murphy - Minneapolis, MN  
Kermit E. Bye - Fargo, ND  
William Jay Riley - Omaha, NE  
Michael J. Melloy - Cedar Rapids, IA  
Lavenski R. Smith - Little Rock, AR  
Steven M. Colloton - Des Moines, IA  
Raymond W. Gruender - St. Louis, MO  
Duane Benton - Kansas City, MO**

### **Circuit Judges Who Have Taken Senior Status**

**Donald P. Lay - St. Paul, MN  
Myron H. Bright - Fargo, ND  
John R. Gibson - Kansas City, MO  
Pasco M. Bowman - Kansas City, MO  
Frank J. Magill - Fargo, ND  
C. Arlen Beam - Lincoln, NE  
David R. Hansen - Cedar Rapids, IA**

## NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

*Court will be held in the Thomas F. Eagleton Courthouse at 111 S. 10<sup>th</sup> Street, St. Louis, Missouri. Division I will be held in the En Banc Courtroom on Floor 28, and Division II will be held in the Southeast Courtroom on Floor 27. Division III will be held in the Northeast Courtroom on Floor 27, and Division IV will be held in the Southwest Courtroom on Floor 27. Counsel presenting oral argument should report to the clerk's office, Room 24.329, 30 minutes before Court convenes.*

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. *Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.*

Michael E. Gans  
Clerk of Court

**The following visiting judge is sitting with the Court in September:**

\*The Honorable Richard H. Kyle  
U.S. District Judge  
St. Paul, Minnesota

[www.ca8.uscourts.gov](http://www.ca8.uscourts.gov)

***Revised: 9/22/06***

28th Floor  
En Banc Courtroom

MONDAY, SEPTEMBER 25, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES LOKEN, BEAM, GRUENDER

		DMS
1.	<a href="#">05-3729</a> WM Dennis Skillicorn v. Al Luebbers	30
2.	<a href="#">06-1118</a> MN Minnesota Towers, Inc., etc., et al. v. City of Duluth	15
3.	<a href="#">06-1466</a> SI United States v. David Richard Pinnow	10
	<a href="#">06-1261</a> SI United States v. Laverne William Bieghler	NO ARG

BEFORE JUDGES LOKEN, SMITH, GRUENDER

06-1353	NI LaSalle Bank, N.A., et al. v. Francis P. Takes, et al.	DISMISSED
06-1373	NI LaSalle Bank, N.A., et al. v. Francis P. Takes, et al.	NO ARG

2:00 P.M. BEFORE JUDGES MELLOY, BRIGHT, HANSEN

<a href="#">05-4234</a> WM	American Home Assurance Company v. Kelly Pope, et al.	
05-4238	WM American Home Assurance Company v. C. Robert Buckley, etc.	
<a href="#">06-1750</a> WM	American Home Assurance Company v. Kelly Pope, et al.	20

DIVISION I  
28th Floor  
En Banc Courtroom

TUESDAY, SEPTEMBER 26, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES LOKEN, BEAM, GRUENDER

		MER/BDG-O
1.	<a href="#">06-1018</a> WM United States v. Michael Shawn McCourt	15
2.	<a href="#">05-4426</a> WM United States v. Thomas N. Johnson	

	<a href="#">05-4444</a> WM	United States v. Lamell T. Jones, etc.	15
3.	<a href="#">06-1242</a> NE	United States v. Peter Charles Urqhart	10
4.	<a href="#">05-3788</a> MN	United States v. Kelley Joseph LeGrand, etc.	15
	<a href="#">06-1315</a> NE	United States v. Robert K. Brown	NO ARG
	<a href="#">06-1840</a> WM	United States v. Antwaen D. Reliford	NO ARG

**2:15 P.M. BEFORE JUDGES WOLLMAN, BRIGHT, MELLOY**

06-2851	Eugenio Sharipoff v. Alberto Gonzales, etc., et al.	REMOVED
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**3:00 P.M. BEFORE JUDGES WOLLMAN, BRIGHT, MELLOY**

<a href="#">06-8014</a> WM	David Saab, etc. v. Home Depot U.S.A., Inc., etc.	15
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**DIVISION I  
28th Floor  
En Banc Courtroom**

**WEDNESDAY, SEPTEMBER 27, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES LOKEN, SMITH, GRUENDER**

<a href="#">06-1207</a> MN	Nebraska Beef, Limited v. Wells Fargo Business Credit, Inc., etc.	BWB  NO ARG
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**\*\* EN BANC SESSION \*\***

**WEDNESDAY, SEPTEMBER 27, 2006, BEGINNING AT 11:00 A.M.  
BEFORE JUDGES LOKEN, BRIGHT, WOLLMAN, ARNOLD, MURPHY,  
BYE, RILEY, MELLOY, SMITH, COLLOTON, GRUENDER, BENTON**

		DMH
1.	<a href="#">04-2901</a> NI	United States v. Travis Ray Burns
	04-2933NI	United States v. Travis Ray Burns
		20
2.	<a href="#">04-2073</a> WM	United States v. Jamal T. Norris
		20

THURSDAY, SEPTEMBER 28, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES LOKEN, SMITH, GRUENDER

TAB

1.    [05-3688](#)ND     United States v. Susan Bala  
      [05-3690](#)ND     United States v. Racing Services  
      05-3691ND     United States v. Susan Bala, et al.                   20
2.    [06-1414](#)SI     Robert Wayne Chalfant v. Titan  
                  Distribution, Inc., et al.                           20
3.    [05-4301](#)NI     United States v. Tyrone Judon, etc.  
      [05-4302](#)NI     United States v. Gladger Ross, Jr., etc.  
      06-1049NI     United States v. Tyrone Judon, etc.  
      06-1050NI     United States v. Gladger Ross, Jr., etc.           15
4.    [05-4146](#)NI     United States v. James Eric Moore  
      [05-4156](#)NI     United States v. James Eric Moore                       15
5.    [06-1384](#)NI     United States v. Jennifer Urben-Potratz                   10

2:00 P.M. BEFORE JUDGES RILEY, SMITH, BENTON

PAW

- [06-2658](#)NI     Goss International Corporation, etc. v.  
                  Tokyo Kikai Seisakusho, Ltd., etc., et al.           20

DIVISION I  
28th Floor  
En Banc Courtroom

FRIDAY, SEPTEMBER 29, 2006, BEGINNING AT 8:30 A.M.  
BEFORE JUDGES LOKEN, SMITH, GRUENDER

KAS

1.    [06-1674](#)WM     Ann Robinette, et al. v. William Jones,  
                  et al.   15
2.    [05-4055](#)EA     Brenda Arnold v. Nursing and  
                  Rehabilitation Center at Good  
                  Shepherd, LLC  
      05-4270EA     Brenda Arnold v. Nursing and  
                  Rehabilitation Center at Good  
                  Shepherd, LLC                                   15

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|----|----------------------------|--|----|
| 3. | <a href="#">06-1368</a> EM | Mark McGee v. Public Water Supply,<br>District #2 of Jefferson County,<br>Missouri, et al. | 15 |
| 4. | <a href="#">05-4131</a>    | Hui Zhuang v. Alberto Gonzales, etc.   | 15 |

DIVISION II  
27th Floor  
Southeast Courtroom

MONDAY, SEPTEMBER 25, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES WOLLMAN, BRIGHT, BOWMAN

- |    |                            |   |         |
|----|----------------------------|---|---------|
|    |                            |   | JMH     |
| 1. | <a href="#">06-1055</a> SI | United States v. Kevin Lee Davis  |         |
|    | 06-1227SI                  | United States v. Kevin Lee Davis  | 15      |
| 2. | <a href="#">06-1020</a> WM | United States v. Wesley J. Durham   |         |
|    | <a href="#">06-1021</a> WM | United States v. Erica J. Duncan  | 20      |
|    | <a href="#">05-4289</a> SI | United States v. Matias Leanos-Marquez  | NO ARG  |
| 3. | <a href="#">05-2932</a> EA | First Union National Bank, etc. v. Pictet<br>Overseas Trust Corp., Ltd., etc. | 20      |
|    |                            | In re: Monosodium Glutamate Antitrust<br>Litigation                           |         |
|    | <a href="#">05-4303</a> MN | Inquivosa Sa, et al. v. Ajinomoto Company,<br>Inc., et al.                    |         |
|    |                            | In re: Monosodium Glutamate Antitrust<br>Litigation                           |         |
|    | 05-4307MN                  | Inquivosa Sa, et al. v. Ajinomoto Company,<br>Inc., et al.                    | REMOVED |

TUESDAY, SEPTEMBER 26, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES WOLLMAN, BRIGHT, BOWMAN

- |    |                            |                                       |         |
|----|----------------------------|---------------------------------------|---------|
|    |                            |                                       | BWB     |
| 1. | <a href="#">06-1053</a> SI | United States v. Terry Allen Garnette | 10      |
|    | <a href="#">06-1240</a> NE | United States v. Jerome Bass, etc.    | REMOVED |

2.	<a href="#">05-4322</a> MN	United States v. Robert Lee Bailey	15
3.	<a href="#">06-1502</a> SI	Christine C. Conklin v. Jo Anne B. Barnhart, etc.	15
4.	<a href="#">06-1631</a> EM	United States v. Don Juan Maxwell	10
	<a href="#">06-1586</a> SI	United States v. Arnulfo Panochero-Cresencio	NO ARG

DIVISION II  
27th Floor  
Southeast Courtroom

\*\* AFTERNOON SESSION \*\*

TUESDAY, SEPTEMBER 26, 2006, BEGINNING AT 2:00 P.M.  
BEFORE JUDGES BYE, BEAM, SMITH

<a href="#">06-2335</a> MN	In re: Canadian Pacific Railway Company	BWB 20
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WEDNESDAY, SEPTEMBER 27, 2006, BEGINNING AT 9:30 A.M.  
BEFORE JUDGES WOLLMAN, MURPHY, COLLOTON

<a href="#">05-2011</a> EA	Sharon Lee, etc. v. Pine Bluff School District, et al.	DMH 15
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THURSDAY, SEPTEMBER 28, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES WOLLMAN, BOWMAN, BENTON

1.	<a href="#">05-3974</a> MN	Bradley J. Hillstrom, M.D. v. John R. Kenefick, et al.	DGH/PJS-O
	05-3975MN	John R. Kenefick, et al. v. GE Group Life Assurance Company, etc.	20
2.	<a href="#">05-3149</a> NE	United States v. Rodney Harrison	15

- |    |                            |   |    |
|----|----------------------------|---|----|
| 3. | <a href="#">05-4489</a> WM | United States Equal Employment<br>Opportunity Commission, et al. v.<br>City of Independence, Missouri |    |
|    | <a href="#">05-4490</a> WM | Richard Hopkins v. City of<br>Independence, Missouri  | 20 |
| 4. | <a href="#">06-1326</a> EM | BJC Health System, et al. v. Columbia<br>Casualty Company, etc.                                       | 15 |
| 5. | <a href="#">06-1517</a> MN | Daniel Johnson v. Bert Bell/Pete Rozelle<br>NFL Player Retirement Plan                                | 15 |

DIVISION II  
27th Floor  
Southeast Courtroom

FRIDAY, SEPTEMBER 29, 2006, BEGINNING AT 8:30 A.M.  
BEFORE JUDGES WOLLMAN, BOWMAN, BENTON

- |    |                            |  |         |
|----|----------------------------|--|---------|
|    |                            |  | SRD     |
| 1. | <a href="#">05-1493</a>    | Ardian Celaj, et al. v. Alberto Gonzales,<br>etc.          | 15      |
| 2. | <a href="#">05-3357</a>    | Abdi Gelle Mohamed v. Alberto Gonzales,<br>etc.            | 15      |
|    | <a href="#">05-4140</a> WM | Eric Clemmons v. Estate of George Brooks                   |         |
|    | 06-1099WM                  | Eric Clemmons v. William Armontrout,<br>Warden, et al.     | REMOVED |
|    | <a href="#">05-4439</a> EA | Katherine Tweedle v. State Farm Fire &<br>Casualty Company | NO ARG  |
|    | <a href="#">05-4092</a> NI | United States v. Tammy Peters                              | NO ARG  |

DIVISION III  
27th Floor  
Northeast Courtroom

MONDAY, SEPTEMBER 25, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES ARNOLD, BYE, MELLODY

- |    |                            |                            |     |
|----|----------------------------|----------------------------|-----|
|    |                            |                            | LLB |
| 1. | <a href="#">05-4005</a> WM | Earl Ringo v. Donald Roper | 30  |



2.	<a href="#">05-4378</a> ND	Barry Caesar Garcia v. Leann K. Bertsch, etc.	15
	<a href="#">05-4196</a> MN	United States v. Dean Wade Guenther	REMOVED
	<a href="#">05-4261</a> MN	Innovative Medical Systems, Inc., etc., et al. v. Augustine Medical, etc., et al.	NO ARG
	<a href="#">05-1467</a> MN	Thomas Wayne Evenstad v. Terry L. Carlson	NO ARG

**TUESDAY, SEPTEMBER 26, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES ARNOLD, BYE, MELLOY**

			<b>LMT</b>
	<a href="#">05-4201</a> EM	United States v. Leo Muhammad, etc.	
	<a href="#">05-4204</a> EM	United States v. Germaine Davis, etc.	
	<a href="#">05-4205</a> EM	United States v. Anthony Francis	
	<a href="#">05-4252</a> EM	United States v. Robert Francis, etc.	NO ARG
1.	<a href="#">05-4227</a> MN	United States v. Gustavo Ramirez-Sanchez	
	<a href="#">05-4228</a> MN	United States v. Magdaleno Urzua	
	<a href="#">06-1371</a> MN	United States v. Cecilio Gomez Ramirez	15
2.	<a href="#">05-4222</a> EM	United States v. Donrico Humphrey	10
	<a href="#">06-1040</a> MN	United States v. Steven Harold Pieper, Jr.	
	06-1042MN	United States v. Steven Harold Pieper, Jr.	NO ARG
	<a href="#">06-1285</a> WA	United States v. Todd Manuel Griffin	NO ARG
3.	<a href="#">05-4414</a> SD	United States v. William T. Carter	10

**DIVISION III  
27th Floor  
Northeast Courtroom**

**THERE WILL BE NO ARGUMENTS ON WEDNESDAY IN DIVISION III.**

THURSDAY, SEPTEMBER 28, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES ARNOLD, BYE, MELLOY

PAW/MDS-O

- |    |                            |   |        |
|----|----------------------------|---|--------|
| 1. | <a href="#">06-1308</a> NE | Jim Jones, et al. v. John Gale, etc.,<br>et al.                   | 30     |
| 2. | <a href="#">06-1647</a> WM | Henry Hickerson v. Pride Mobility<br>Products Corporation, et al. | 15     |
| 3. | <a href="#">06-1129</a> MN | Richard Lewis v. St. Cloud State<br>University                    | 15     |
| 4. | <a href="#">06-1652</a> ND | United States v. Francis K. Zacher, etc.                          | 15     |
|    | <a href="#">06-1435</a> MN | David F. Freeman v. Ace Telephone<br>Association, etc.            | NO ARG |

DIVISION III  
27th Floor  
Northeast Courtroom

FRIDAY, SEPTEMBER 29, 2006, BEGINNING AT 8:30 A.M.  
BEFORE JUDGES ARNOLD, BYE, MELLOY

JPP

- |    |                            |  |    |
|----|----------------------------|--|----|
| 1. | <a href="#">05-3078</a>    | Boutros Chafic Habchy v. Alberto<br>Gonzales, etc., et al.                         | 15 |
| 2. | <a href="#">06-1201</a>    | Estate of Edna Korby, Deceased,<br>et al. v. Commissioner of Internal<br>Revenue   |    |
|    | 06-1203                    | Estate of Austin Korby, Deceased,<br>et al. v. Commissioner of Internal<br>Revenue | 15 |
|    | <a href="#">06-1072</a> SI | Bradley Schulz v. Rental Services  |    |

Corporation

NO ARG

3. [05-3859](#)WM Emergency Medical Services, Inc.,  
et al. v. St. Paul Mercury Insurance  
Company, etc.  
  
05-3935WM Emergency Medical Services, Inc.,  
et al. v. St. Paul Mercury Insurance  
Company, etc.  
  
[06-1158](#)SI Laverne I. Johnson, et al. v. Lend Lease  
Real Estate Investment

15

NO ARG

**DIVISION IV  
27th Floor  
Southwest Courtroom**

**MONDAY, SEPTEMBER 25, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES MURPHY, HANSEN, RILEY**

CMD

1. [05-4183](#)SI Equal Employment Opportunity  
Commission v. Dial Corporation  
  
05-4311SI Equal Employment Opportunity  
Commission v. Dial Corporation  
  
[06-1394](#)MN Triple Five of Minnesota, Inc., etc. v.  
Simon MOA Management Company,  
Inc., et al.  
  
[05-4377](#)WM Voicestream PCS II Corporation, etc.,  
et al. v. BPS Telephone Company, et al.  
  
[06-1999](#)EA United States v. Patient Transfer  
Service, Inc.

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REMOVED

DISMISSED

NO ARG

**TUESDAY, SEPTEMBER 26, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES MURPHY, HANSEN, RILEY**

BNS

1. [06-2504](#)WA Grand River Enterprises Six Nations,  
Ltd., et al. v. Mike Beebe, etc.  
  
2. [05-3391](#)MN United States v. LaQuan Dwayne  
Carter, etc.  
[06-1365](#)MN United States v. Michael Greenlaw, etc.  
  
3. [05-3633](#)NI United States v. Russell James Hodge, etc.  
05-3844NI United States v. Russell James Hodge, etc.

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15

15

	<a href="#">06-1080</a> MN	United States v. Rodolfo Lopez-Zepeda	<b>NO ARG</b>
4.	<a href="#">06-1364</a> NI	United States v. Bradley Gregg	15
5.	<a href="#">06-1103</a> EM	United States v. Ruth Kane	10
	<a href="#">06-1478</a> EA	William Eugene Langley v. Larry Norris, etc.	<b>NO ARG</b>

DIVISION IV  
27th Floor  
Southwest Courtroom

THERE WILL BE NO ARGUMENTS ON WEDNESDAY IN DIVISION IV.

THURSDAY, SEPTEMBER 28, 2006, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES RILEY, COLLOTON, \*KYLE

1.	<a href="#">05-4081</a> NI	United States v. Pedro Arellano-Garcia	15	ABC
2.	<a href="#">06-1067</a> EM	Peggy J. Deal v. Consumer Programs, Incorporated		
	06-1068EM	Peggy J. Deal v. Consumer Programs, Incorporated	20	
3.	<a href="#">06-1616</a> NI	United States v. Shaun Joseph Ruff	15	
4.	<a href="#">06-1467</a> WM	Noel K. Blevens v. George W. Holcomb, III	20	
	<a href="#">05-4370</a> NI	United States v. Michael Washington	<b>NO ARG</b>	

DIVISION IV  
27th Floor  
Southwest Courtroom

FRIDAY, SEPTEMBER 29, 2006, BEGINNING AT 8:30 A.M.  
BEFORE JUDGES RILEY, COLLOTON, \*KYLE

			LAD
1.	<a href="#">05-1101</a> EM	Chaganti & Associates, P.C. v. Thomas Nowotny, et al.	
	05-2065EM	In re: Chaganti & Associates, P.C.	
	05-2075EM	Chaganti & Associates, P.C. v. Thomas Nowotny, et al.	15
2.	<a href="#">06-1687</a> WM	Robert L. Myer v. Americo Life, Inc.	10
3.	<a href="#">05-4181</a> WA	Jake Pittari v. American Eagle Airlines, Inc.	
	<a href="#">06-2287</a> WA	Jake Pittari v. American Eagle Airlines, Inc.	15
4.	<a href="#">06-1500</a> EA	Doug Feeney, et al. v. AT&E, Inc., etc., et al.	10
5.	<a href="#">05-4438</a> WA	Castural Thompson v. Wal-Mart Stores, Inc.	10